

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Kelley

March 1, 2001

An act to amend Section 22780 of the Business and Professions Code, relating to commercial mail receiving agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as introduced, Kelley. Commercial mail receiving agencies.

Existing law provides that a commercial mail receiving agency shall require positive identification of any person who intends to receive mail at that agency and who is therefore required to complete Postal Service Form 1583 for filing with the United States Postal Service. Existing law requires a commercial mail receiving agency to maintain a copy of that form and to make it available to a law enforcement agency conducting an investigation. A violation of this provision is an infraction punishable by a fine of not less than \$100 for the first offense and not less than \$500 for each subsequent offense.

This bill would require in person presentation of 2 forms of positive identification, a thumbprint, and the original signed copy of Postal Service Form 1583 by a person receiving mail at a commercial mail receiving agency. Similar requirements would also apply to persons exclusively receiving common carrier deliveries through the commercial mail receiving agency. The bill would enact other related provisions.

Because this bill would impose new requirements on commercial mail receiving agencies, it would thereby impose a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22780 of the Business and Professions
2 Code is amended to read:
3 22780. (a) A commercial mail receiving agency shall not
4 accept a Postal Service Form 1583 until positive identification has
5 been established for the person filing the form, *who shall be*
6 *required by the commercial mail receiving agency to appear in*
7 *person to establish that positive identification. A commercial mail*
8 *receiving agency shall require the person to present the original*
9 *signed copy of Postal Form 1583 that is to be filed.* For purposes
10 of this section, positive identification means *providing a*
11 *thumbprint of the person filing the form and presenting any-one*
12 *two of the following original documents:*
13 (1) Driver's license.
14 (2) State identification card.
15 (3) Armed forces identification card.
16 (4) Employment identification card~~-which~~ *that* contains the
17 bearer's signature and photograph.
18 (5) Any similar documentation~~-which~~ *that* provides the agency
19 with reasonable assurance of the identity of the filer.
20 (b) *A commercial mail receiving agency may not accept*
21 *facsimile or other copies of the documents described in*
22 *paragraphs (1) to (5), inclusive, of subdivision (a), or of Postal*
23 *Service Form 1583.*
24 (c) A commercial mail receiving agency shall maintain a copy
25 of any Postal Service Form 1583 filed with the United States Postal
26 Service, *a copy of the two items of positive identification presented*
27 *pursuant to subdivision (a), and the original thumbprint required*
28 *pursuant to subdivision (a).* Upon the request of any law
29 enforcement agency conducting an investigation, the commercial

1 mail receiving agency shall *immediately* make available to that
2 law enforcement agency for purposes of that investigation and
3 copying, its copy of the Postal Service Form 1583, *its copy of the*
4 *two items of positive identification, and the original thumbprint.*
5 *All of these items shall be available for law enforcement*
6 *investigation and copying on site at the business location of the*
7 *commercial mail receiving agency.*

8 (d) A commercial mail receiving agency that agrees to accept
9 deliveries on behalf of another person from common carriers
10 exclusively and not from the United States Postal Service shall first
11 require that person to establish positive identification in the same
12 manner provided in subdivision (a), except for the requirement to
13 provide a copy of Postal Service Form 1583. Law enforcement
14 agencies shall be provided access to those documents in the same
15 manner as provided in subdivision (b).

16 (e) A local law enforcement agency may provide a standardized
17 form to a commercial mail receiving agency to assist in compliance
18 with this section.

19 ~~(e)~~

20 (f) A violation of this chapter is an infraction punishable by a
21 fine of not less than one hundred dollars (\$100) for the first
22 offense, and a fine of not less than five hundred dollars (\$500) for
23 each subsequent offense.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

